

REMARKS

In view of the foregoing amendments and following remarks, favorable reconsideration of this application and allowance thereof is respectfully requested.

Claims 1-13 stand rejected. Claims 1 and 5 have been amended. No new matter has been introduced.

In the Office Action, the Examiner rejected claims 5-11 and 13 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner contends that the recitation of “said intact ones of said service brake circuits” in claim 5 lacks sufficient antecedent basis. The limitation has been amended to “intact ones of said service brake circuits.” Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 5-11 and 13 under 35 U.S.C. §112, second paragraph.

Turning now to the substantive rejections, the Examiner rejected claims 1-4 and 12 under 35 U.S.C. §102(b) as being anticipated by Beck U.S. Patent No. 6,276,761. The Examiner also rejected claims 1-13 under 35 U.S.C. §102(b) as being anticipated by Bornhof et al. EP 0810136 A1. Applicants respectfully traverse these claim rejections for the reasons set forth hereinafter.

As set forth in detail in the present application, Applicants' claimed invention is directed to embodiments of a method and system for refilling brake circuits rapidly after compressed air consumption from a high-pressure consumer circuit in addition to a compressor. If the monitored pressure values of operational brake circuits fall below a threshold value, certain identified operational brake circuits are blocked as defective and communication is established between additional compressed air consumer circuits and intact operational brake circuits in order to refill the operational brake circuits from a compressed air reservoir of the additional compressed air consumer circuits. The method and system of the present claimed invention

allows for the operational brake circuits to be refilled much faster than merely by means of the compressor.

Beck describes embodiments of an air braking system having a compressor, an air consumer circuit, a first electrically actuatable valve between the compressor and the consumer circuit, an auxiliary air circuit, and a second actuatable valve between the compressor and the auxiliary circuit, wherein the auxiliary circuit is connected to the compressor via a non-return valve. In the event of an electrical failure, the auxiliary circuit can be arranged to supply air under pressure to the consumer circuit.

Bornhof describes embodiments of an air braking system having three pressure controllers with inputs connected via separate lines to a common electrical control source capable of providing signals to switch on and off electrical control inputs. The outputs are connected to separate hydraulic circuits which are interconnected in pairs by shut-off valves. One controller is arranged to have its output opened by any failure of the source, while the outputs of the other two controllers are closed. The open output is then connected by the valves to the circuits whose controllers are no longer active.

Beck and Bornhof both provide that the electrically actuatable valves for supplying compressed air to the service-brake circuits are in a closed position in a de-energized normal state. In order to establish communication between the service-brake circuits and the high pressure circuit, it would be necessary to switch both the valves associated with the service-brake circuits and the valve associated with the high pressure circuit. In stark contrast, with the service-brake circuits are in an open position in a de-energized normal state, the method and system according to embodiments of the present claimed invention can switch the valve associated with the air-suspension circuit to an open position to establish communication with the service-brake circuits in order to refill the air-suspension circuit.

Furthermore, contrary to the Examiner's contention, neither Beck nor Bornhof teach or suggest establishing pneumatic communication between intact service-brake circuits of a plurality of compressed air consumer circuits and at least one additional compressed air consumer circuit having a compressed air reservoir with pressure at least equal to pressure in the intact ones of service-brake circuits as affirmatively claimed in amended claim 1 of Applicants' present application. Because the electrically actuatable valves for supplying compressed air to the service-brake circuits disclosed by Beck and Bornhof are in a closed position in a de-energized normal state rather than an open position like the present claimed invention, the pressure of the compressed air reservoir of the additional compressed air consumer circuit may not always be at least equal to pressure in the non-defective service-brake circuits.

Accordingly, independent claims 1 and 5 of the present application recite features and structure nowhere found in Beck and Bornhof, and, thus, these references cannot anticipate claims 1 and 5.

The Federal Circuit has instructed that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *See W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983) (emphasis added), *cert. denied*, 469 U.S. 841 (1984); *see also Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (requiring that the prior art reference disclose each element of the claimed invention arranged as in the claim). Considering that the apparatus of the present invention as claimed in independent claims 1 and 5 differs from the air braking systems disclosed in Beck and Bornhof, as discussed above, it is respectfully submitted that the Examiner has not made a *prima facie* case of anticipation, and that claims 1 and 5 are thus patentable over these cited references. Notice to this effect is earnestly solicited.

It is further submitted that claims 2-4 and 6-13 are also allowable by virtue of their respective dependencies from claims 1 and 5, as well as for the additional features and structure recited therein. Notice to this effect is also respectfully requested.

The Examiner cited Bruehmann et al. U.S. Patent No. 6,089,831; Aumuller et al. U.S. Patent No. 7,431,406; Detlefs et al. U.S. Patent Publ. No. 2007/0096554; Diekmeyer et al. U.S. Patent Publ. No. 2007/0246998; Detlefs et al. U.S. Patent Publ. No. 2007/0262280; and Detlefs et al. U.S. Patent Publ. No. 2008/0040013; but did not apply these references against the application claims. Applicant notes that no further comment regarding the forgoing cited but unapplied references is deemed necessary or appropriate at this time.

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Reply. Please charge any fee deficiency to Deposit Account No. 50-0540.

Respectfully submitted,

By:

Randy Lipsitz, Esq.

Registration No. 29,189

Richard L. Moss, Esq.

Registration No. 39,782

Leslie K. Nguyen, Esq.

Registration No. 49,081

Attorneys for Applicants

KRAMER LEVIN NAFTALIS & FRANKEL LLP

1177 Avenue of the Americas

New York, New York 10036

(212) 715-9100